



**U.S. Department of Justice**

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Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

November 22, 2013

BY ECF

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2202  
New York, New York 10007

Re: United States v. Alimzhan Tokhtakhounov et al.,  
13 Cr. 268 (JMF)

Dear Judge Furman:

The Government writes with the consent of the lawyers of all defendants remaining in the case, copied on this letter, to request a modification to the briefing schedule in this case. At the initial pre-trial conference on April 19, 2013, Your Honor ordered that defense motions be submitted by December 2, 2013, with Government opposition submitted by December 16, 2013, and any reply briefs submitted by December 23, 2013. The parties request that Your Honor amend the briefing schedule as follows: defense motions filed on or before January 24, 2014; Government opposition submitted by February 7, 2014, and any reply briefs submitted by February 14, 2014.

The Government and defense counsel understand that if Your Honor grants this request, it will not in any way impact the trial date Your Honor has set in this matter for June 9, 2014.

The parties believe that the adjustment to the briefing schedule is appropriate to allow the Government and the defendants remaining in the case to continue what have been ongoing and very productive plea discussions. As Your Honor is aware, to date 18 of the 33 defendants arrested in this case have pleaded guilty. Of the remaining 15 defendants, five are scheduled to plead guilty in the next two weeks. It is expected that several more of the remaining defendants will enter guilty pleas in the next few weeks. It is possible, though not certain, that if plea discussions continue uninterrupted by what could be voluminous briefing, that nearly every defendant in this case might have their case resolved before the proposed motion date of January 24, 2014, notwithstanding the intervening holidays.

On the other hand, if we keep the current motion deadline it is inevitable that plea negotiations will come to a stop, or at least be substantially negatively impacted, as the parties

shift their focus to the briefing in this case. As Your Honor may recall there was voluminous discovery in this case, including wiretap and search warrant evidence. In short, the briefing could be extensive. Thus, to best save resources of all parties, and the Court, we respectfully submit that it would make sense to push back the motion schedule as requested to allow the parties to fully explore if there are acceptable resolutions to be reached before motions are filed.

If the requested relief is granted, any motions will still be filed nearly four months before trial. Additionally, there would be fewer defendants left in the case and thus fewer motions, perhaps even fewer issues raised in those motions since only certain defendants have standing to make certain motions.

In sum, the Government, with the consent of the defendants remaining in the case, requests that the briefing schedule be adjourned so that the parties may continue ongoing and productive plea negotiations. The Government respectfully submits that adjusting the briefing schedule as requested will ultimately save the parties, and the Court, resources while not jeopardizing the trial date.

Respectfully submitted,

PREET BHARARA  
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